

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Julie R. Helvie,

Civil 08-779 DWF/FLN

Plaintiff,

v.

REPORT & RECOMMENDATION

Michael J. Astrue, Commissioner  
of Social Security,

Defendant.

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1. The complaint in this case was filed on March 19, 2008.
2. On May 29, 2008, the Government filed an answer and filed the Administrative Record.
3. When Plaintiff failed to file her motion for summary judgment within 60 days of the date of the answer, pursuant to the Local Rules of this Court, the Court issued an order on August 5, 2008, directing Plaintiff to file her motion for summary judgment and a memorandum of law in support within 60 days of the date of the order.
4. To date, Plaintiff has not filed the motion and memorandum required by the local rules.

RECOMMENDATION

Based upon the foregoing, IT IS HEREBY RECOMMENDED that this case be dismissed for lack of prosecution.

DATED: October 8, 2008.

s/ Franklin L. Noel  
FRANKLIN L. NOEL  
United States Magistrate Judge

Pursuant to the Local Rules, any party may object to this Report and Recommendation by filing

with the Clerk of Court and serving on all parties, on or before **October 28, 2008**, written objections which specifically identify the portions of the proposed findings or recommendations to which objection is being made, and a brief in support thereof. A party may respond to the objecting party's brief within ten days after service thereof. All briefs filed under the rules shall be limited to 3500 words. A judge shall make a de novo determination of those portions to which objection is made.

This Report and Recommendation does not constitute an order or judgment of the District Court, and it is, therefore, not appealable to the Circuit Court of Appeals.